

Monday, March 29, 2021

Heather Holland  
Ward 4 Fire Protection District  
P.O. Box 613  
Jonesboro, Louisiana 71251

**Re: Louisiana Board of Ethics  
Docket No. 2021-108**

Dear Mrs. Holland:

The Louisiana Board of Ethics ("Board"), at its April 9, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit Thomas Holland from being hired as the fire chief.

**FACTS PROVIDED**

Thomas Holland is currently a volunteer fire fighter for the Ward 4 Fire Protection District ("District"). Mr. Holland also owns a business, On-Scene Fire Services, which provides no services to the District. The District is considering hiring Mr. Holland to be the Fire Chief. Scott Nunn, a member of the District's Board, is also an employee of On-Scene Fire Services.

**LAW**

**La. R.S. 42:1112(B)(3)** prohibits a public servant from participating in a governmental transaction in which any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

**La. R.S. 42:1112(B)(5)** prohibits a public servant from participating in a transaction in which the following person has a substantial economic interest: Any person who is a party to an existing contract with such public servant or with any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, or who owes any thing of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.

**La. R.S. 42:1120.4** provides that if an elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which would be a violation of R.S. 42:1112, he

shall recuse himself from voting. Furthermore, the appointed member of the board or commission, who recuses himself, is prohibited from participating in discussion and debate concerning the matter.

#### CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code would not prohibit Mr. Holland from being hired as Fire Chief. However, Scott Nunn would be required to recuse himself from voting to hire Mr. Holland as the Fire Chief, in accordance with La. R.S. 42:1120.4. Additionally, La. R.S. 42:1120.4 prohibits Mr. Nunn from participating in the discussion and debate concerning hiring Mr. Holland as Fire Chief.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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LaToya D. Jordan  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.